

House File 201

H-1012

1 Amend the amendment, H-1011, to House File 201, as follows:

2 1. By striking page 1, line 1, through page 2, line 19, and
3 inserting:

4 <Amend House File 201 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <Section 1. NEW SECTION. **668.12A Liability for employee**
8 **negligence in actions involving commercial motor vehicles.**

9 1. In a civil action involving the operation of a commercial
10 motor vehicle, the employer's liability for damages caused by
11 the negligence of an employee operating a commercial motor
12 vehicle within the course and scope of employment shall be
13 based on respondeat superior.

14 2. This section does not apply if the civil action involving
15 a commercial motor vehicle arises from an incident for which an
16 employee is convicted under section 321J.2 or found to be in
17 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

18 3. As used in this section:

19 *a. "Commercial motor vehicle"* means as defined in section
20 321.1.

21 *b. "Convicted"* means convicted of an indictable offense and
22 includes a guilty plea or other finding of guilt by a court of
23 competent jurisdiction.

24 *c. "Operation" or "operating"* means actual physical control
25 of a commercial motor vehicle upon a highway as defined in
26 section 321.1.

27 Sec. 2. NEW SECTION. **668.15A Noneconomic damages —**
28 **commercial motor vehicle owners or operators.**

29 1. As used in this section:

30 *a. "Commercial motor vehicle"* means as defined in section
31 321.1.

32 *b. "Convicted"* means convicted of an indictable offense and
33 includes a guilty plea or other finding of guilt by a court of
34 competent jurisdiction.

35 *c. "Inflation"* means the annual percentage change in the

1 United States department of labor, bureau of labor statistics,
2 consumer price index for all urban consumers for the midwest
3 region, all items, or its successor index.

4 *d. "Noneconomic damages"* means damages arising from
5 pain, suffering, inconvenience, physical impairment, mental
6 anguish, emotional pain and suffering, loss of chance, loss of
7 consortium, or any other nonpecuniary damages.

8 *e. "Operation"* means actual physical control of a commercial
9 motor vehicle upon a highway as defined in section 321.1.

10 2. The total amount recoverable by each plaintiff in any
11 civil action involving the operation of a commercial motor
12 vehicle for noneconomic damages for personal injury or death,
13 whether in tort, contract, or otherwise, against the owner or
14 operator of a commercial motor vehicle shall be limited to
15 fifteen million dollars, regardless of the number of claims,
16 theories of liability, or defendants in the civil action.

17 3. This section does not apply if the civil action involving
18 a commercial motor vehicle arises from an incident for which an
19 employee is convicted under section 321J.2 or found to be in
20 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

21 4. *a.* The limitation on damages set forth in subsection 2
22 shall be adjusted for inflation by the secretary of state on
23 January 1, 2026, and on January 1 of each even-numbered year
24 thereafter.

25 *b.* The secretary of state shall certify and publish the
26 adjusted limitation on damages within fourteen days after the
27 appropriate information is available.

28 Sec. 3. Section 668A.1, Code 2023, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 2A. A claim for punitive or exemplary
31 damages may be included in any initial claim for relief and may
32 be allowed by amendment to the pleadings after the exchange of
33 initial disclosures.>>

SCHEETZ of Linn